

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

VINCENT VDOKAKES,

Plaintiff,

-against-

CROWN CONTAINER CORPORATION,

Defendant.

RECEIVED  
U.S. DISTRICT COURT, E.D.N.Y.  
IN CLERK'S OFFICE  
LONG ISLAND COURTHOUSE

★ JAN 28 2003 ★

ENTERED  
COMPLAINT

Jury Trial Demanded

PLATT, J.  
BOYLE, M.

CV 03 0452

Plaintiff, VINCENT VDOKAKES, by his attorneys, LEEDS, MORELLI & BROWN, P.C.,  
complaining of the Defendant herein, alleges, upon knowledge as to himself and his own actions,  
and upon information and belief as to all other matters, as follows:

**JURISDICTION AND VENUE**

1. This is a civil action based upon the defendant's violation of the Americans with Disabilities Act, 42 U.S.C.12101, et seq., the New York Human Rights Law § 296 et seq., the New York State Executive Law, Human Rights Law, Section 290 et seq., and any other cause of action which can be inferred from the facts set forth herein.
2. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. §§1331, 1343(3), and (4), 1367, 2201, and §290 et seq. of the Executive Law of the State of New

York. The pendent jurisdiction of the Court (28 U.S.C. 1367) is invoked over state law causes of action arising under the New York Human Rights Law.

3. Venue is proper pursuant to 28 U.S.C. 1391.
4. All conditions precedent to maintaining this action have been fulfilled. Plaintiff filed a claim with the Equal Employment Opportunity Commission ("EEOC"), and was issued a Notice of Right to Sue on November 25, 2002 - a copy of which is attached as Exhibit "A."

#### **PARTIES**

5. At all times hereinafter mentioned, Plaintiff was and still is a resident of the County of Queens, State of New York.
6. At all times hereinafter mentioned, Defendant Crown Container Corporation, upon information and belief, was and still is a duly incorporated corporation doing business in the State of New York with a place of business at 75 Amboy Avenue, Plainview, New York 11803.

FACTS

7. Plaintiff Vincent Vdokakes ("Vdokakes") has been diagnosed with and suffers from Hodgkins Disease.
8. Vdokakes was hired by Crown Container Corporation ("Crown") on or around September 1, 2000. On or around March 30, 2001, he was appointed by Teamsters Local 813 ("the union") as Shop Steward, pursuant to the Collective Bargaining Agreement between Crown and the union.
9. Throughout the course of his employment, Vdokakes performed his duties in a satisfactory manner.
10. On or around October 26, 2001, Vdokakes was given a letter wrongfully terminating because of his disability. Crown's business reason for Vdokakes' termination was his latenesses.
11. However, shortly thereafter, Crown was informed that Vdokakes' lateness was caused by a medical condition. Crown agreed to reconsider Vdokakes' termination and indicated that Vdokakes would maintain his employment.

12. Representatives of Crown and the union met to discuss Vdokakes' employment. At the meeting, Vdokakes explained that his lateness was due to his medical condition - Hodgkins Disease, a form of lymphatic cancer. Hodgkins Disease effects the major life activity of being unable to perform everyday tasks without fatigue, exhaustion, and lack of concentration.
13. On or around November 7, 2001, Vdokakes was informed that he had been terminated.
14. On or around November 14, 2001, Vdokakes' treating physician informed Crown that Vdokakes had a malignant form of cancer and that his lateness was due to chronic fatigue and exhaustion - primary symptoms of the disease.
15. Rather than accommodating Vdokakes' disability or granting him disability leave until his condition stabilized, Crown confirmed Vdokakes' wrongful termination and refuse to reinstate him. The reconsideration decision was in large part due to the fact that Vdokakes suffers from a severe disability.
16. Crown discriminated against Vdokakes because of his disability in violation of the Americans with Disabilities Act, 42 U.S.C. 12101, et seq.

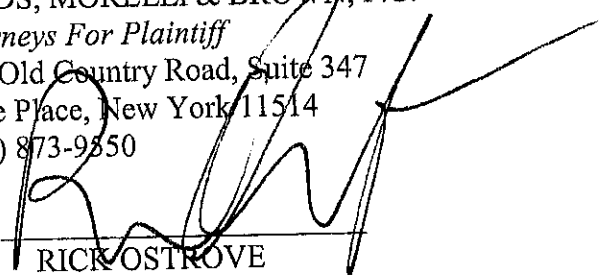
17. By reason of Defendant's violation of Plaintiff's rights, Plaintiff has suffered a loss of monetary benefits associated with his employment in addition to suffering physical, emotional and other damages.

WHEREFORE, Plaintiff demands judgment against Defendant for all compensatory, emotional, physical, and punitive damages, lost pay, front pay, injunctive relief, reinstatement, and any other damages permitted by law. It is further requested that this Court grant reasonable attorneys' fees and the costs and disbursements of this action and any other relief to which plaintiff is entitled. Plaintiff demands a trial by jury.

Dated: Carle Place, New York  
January 17, 2003

Respectfully Submitted

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By:   
RICK OSTROVE  
(RO-7248)